BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.03.2018

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam
&
The Hon'ble Mr.Justice Dr.G.Jayachandran,

W.P (MD) No.2097 of 2017
and
W.M.P.Nos.1744 and 1745 of 2017

Indian Bank
Represented by its Assistant General Manager
Madurai Main Branch
No.100-101, East Avani Moola Street
Madurai - 625 001. ...Petitioner

Vs.

1. The Registrar/ Administrative Officer
   Adjudicating Authority (PMLA)
   Room No.26, 4th Floor
   Jeevan Deep Building
   Parliament Street
   New Delhi- 110 001.

2. The Deputy Director
   Office of the Joint Director
   Enforcement Directorate
   Chennai Zonal Office
   2nd 3rd Floor, Murugesa Naicker Complex,No.84, Greams Road,
   Chennai - 600 006.

3. The State of Tamilnadu
   Represented by its Chief Secretary
   Fort St. George
   Chennai.

4. The District Collector
   Madurai District
   Madurai.

5. The Superintendent of Police
   Madurai District
   Madurai.

6. M/s. PRP Exports
A Registered Partnership Firm
Represented by its Managing Partner
Mr.P.R.Palanichamy
Therkkutheru Village
Melur, Madurai - 625 122. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified, to call for the records pertaining to the order of Provisional Attachment (PAO) No.22/2016, dated 09.12.2016 in File No.ECIR/CEZO/15/2013 issued under Section 5 (1) of the Prevention of Money Laundering Act, 2002 by the second respondent and the consequential show cause notice under Section 8 of the Prevention of Money Laundering Act, 2002 issued by the first respondent in O.C.No.671 of 2017 dated 06.01.2017 and to quash the same in so far as the Petitioner is concerned.

For Petitioner : Mr. Jayesh B. Dolia
for M/s. Aiyar and Dolia

For RR 3 to 5 : Mr. B.Pugalendhi,
Addl. Government Pleader
Asst. by T.N.Rajagopalan
Government Pleader

For Respondent-2 : M/s.G.Hema
Special Public Prosecutor

For Respondents1 & 6 : No Appearance

O R D E R

(Order of the Court was delivered by **T.S.Sivagnanam, J.,**)

Heard Mr.Jayesh B. Dolia, the learned counsel appearing for the petitioner/Bank, M/s.G.Hema, the learned Special Public Prosecutor for the second respondent, Mr.B.Pugalendhi, the learned Additional Advocate General, assisted by Mr. T.N.Rajagopalan, the learned Government Pleader for the respondents 3 to 5. Though the sixth respondent has entered appearance through Counsel, viz. M/s.Vast Law Associates, none appears on their behalf.

2. The petitioner has filed this Writ Petition, challenging the provisional order of attachment passed by the Enforcement Directorate, dated 09.12.2016, under Section 5 (1) of the Prevention of Money Laundering Act, 2002 (hereinafter, referred to as the Act') and the issuance of the show cause notice under Section 8 of the Act by the first respondent, dated 06.01.2017.

3. The learned counsel appearing for the petitioner/Bank submitted that order of provisional attachment has been confirmed by the Adjudicating Authority, by order, dated 26.04.2017, as against which, the petitioner/Bank has preferred an Appeal before the Hon'ble Appellate Tribunal, Prevention of Money Laundering Act, 2002, New Delhi, in FPA/PMLA- 1812/CHN/2017.

4. Counter Affidavit on behalf of the second respondent has been filed, elaborately stating about the factual issue and justifying their action, in issuing a provisional order of attachment and also mentioned about the order, confirming the provisional order of attachment.

5. In the light of the fact that the petitioner/Bank has already filed an Appeal before the Appellate Tribunal, we are not inclined to go into the merits of the matter, and suffice it to state that the challenge to the order of provisional attachment is not maintainable, since, any person, aggrieved by the order of provisional attachment, has an effective remedy under the provisions of the Act. Therefore, the relief sought for by the petitioner/Bank is misconceived, as they were required to agitate the matter under the provisions of the Act and by following the procedure contemplated therein. However, since the petitioner/Bank has already preferred the Appeal before the Appellate Tribunal, it is open to them to pursue their remedy before the Appellate Tribunal.

6. In the upshot, we dismiss the Writ Petition. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

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   Room No.26, 4th Floor, Jeevan Deep Building,
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3. The Chief Secretary,
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   Fort St. George, Chennai.

4. The District Collector
   Madurai District, Madurai.

5. The Superintendent of Police
   Madurai District, Madurai.

SD
AE/KK/SAR3/10.04.2018/4P/6C

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